

United States District Court

For the Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

SOFTVAULT SYSTEMS, INC.,)
Plaintiff,)
v.)
GENERAL ELECTRIC, INC.,)
Defendant.)

SOFTVAULT SYSTEMS, INC.,)
Plaintiff,)
v.)
PTC, INC.,)
Defendant.)

SOFTVAULT SYSTEMS, INC.,)
Plaintiff,)
v.)
TANGOE, INC.,)
Defendant.)
)
Case No.: 14-CV-01164-LHK
Related Case Nos.: 14-CV-03215-LHK;
14-CV-03223-LHK; 14-CV-03221-LHK;
14-CV-03222-LHK; 14-CV-03212-LHK
PROPOSED CASE MANAGEMENT
ORDER

SOFTVAULT SYSTEMS, INC.,
Plaintiff,
v.
DASSAULT SYSTEMES SOLIDWORKS
CORPORATION,
Defendant.

SOFTVAULT SYSTEMS, INC.,
)
)
)
)
Plaintiff,
)
)
v.
)
SOPHOS, INC.,
)
)
Defendant.
)

SOFTVAULT SYSTEMS, INC.,
Plaintiff,
v.
NATIONAL INSTRUMENTS CORP.,
Defendant.

In light of the Court's congested September 10, 2014 case management conference calendar, the Court proposes the following Case Management Order. The parties shall file any objections to the proposed case management order by September 8, 2014 at noon. If the parties file no objections, the Court will vacate the September 10, 2014 case management conferences.

Softvault v. Honeywell, Case No. 14-CV-01164-LHK

The parties did not comply with this Court's private mediation deadline of August 29, 2014. The parties are ordered to file a status report by September 11, 2014 informing the Court of their new mediation date with Judge Infante. The Court sets a new mediation deadline of November 15, 2014.

The case schedule remains as set in the Court's previous Case Management Order, ECF No. 25, with the exception that the time set for trial is now only 4 days because the related case, Case No. 14-CV-01166, is settling. For the convenience of the parties, the Court sets forth the schedule below:

Exchange of Initial Disclosures	6/23/2014
Disclosure of Asserted Claims and Infringement Contentions	7/7/2014

1	Invalidity Contentions	8/21/2014
2	Parties Exchange Proposed Claim Terms for construction	9/4/2014
3	Last Day to Meet and Confer on Proposed Terms	9/18/2014
4	Parties Exchange Preliminary Claim Constructions and identify supporting evidence and experts	10/2/2014
5	Last Day to Meet and Confer on Narrowing Issues and Joint Claim Construction and prehearing statement	10/16/2014
6	Parties File Joint Claim Construction and Prehearing Statement	10/27/2014
7	Close of Claim Construction Discovery	11/10/2014
8	Claim Construction Opening Briefs Due	12/1/2014
9	Claim Construction Responsive Briefs Due	12/23/2014
10	Claim Construction Reply Briefs Due	1/6/2015
11	Technology Tutorial	2/26/2015
12	Claim Construction Hearing	3/5/2015
13	Fact Discovery Cutoff	9/5/2015
14	Parties Serve Initial Expert Reports	9/22/2015
15	Parties Serve Rebuttal Expert Reports	11/6/2015
16	Close Expert Discovery	12/6/2015
17	Last Day to File Dispositive Motions	1/5/2016
18	Hearing on Dispositive Motions	3/3/2016 at 1:30pm
19	Final Pretrial Conference	7/28/2016 at 1:30pm
20	Jury Trial	8/22/2016 at 9am
21	Length of Trial	4 days

22 All other newly related cases: Case Nos. 14-CV-03215-LHK; 14-CV-03223-LHK; 14-CV-03221-
 23 LHK; 14-CV-03222-LHK; 14-CV-03212-LHK

24 The Court refers the parties in all these cases to private mediation with a deadline of
 December 18, 2014.

25 Each side may file only one dispositive motion in each respective case.

26 The Court adopts the parties' proposed discovery limits set forth in their respective Joint
 Case Management Statements in each case, as follows:

27 Case No. 14-CV-03215-LHK:

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- Each party is limited to 25 interrogatories.
- Each party is limited to 50 requests for admission, not including requests for admission for the purpose of authenticating documents.

Case Nos.: 14-CV-01164-LHK; 14-CV-03215-LHK; 14-CV-03223-LHK; 14-CV-03221-LHK; 14-CV-03222-LHK;
 14-CV-03212-LHK

PROPOSED CASE MANAGEMENT ORDER

- 1 • Each party is limited to 80 requests for production.
- 2 • The limits set forth in the Federal Rules of Civil Procedure shall apply to depositions.
- 3 Depositions taken pursuant to Fed. R. Civ. P. 30(b)(6) shall be limited to 14 total hours per side.
- 4 • Each party is limited to 7 total hours of expert witness deposition testimony for each expert retained by the opposing party.

14-CV-03223-LHK:

- 5 • Each party is limited to 25 interrogatories.
- 6 • Each party is limited to 50 requests for admission, not including requests for admission for the purpose of authenticating documents.
- 7 • Each party is limited to 100 requests for production.
- 8 • Each party is limited to 7 total hours of expert witness deposition testimony for each expert retained by the opposing party. However, should an expert issue more than one expert report, the opposing party is entitled to 7 additional hours of expert witness deposition testimony for each additional expert report issued by the particular expert.
- 9 • Each party is limited to 10 total fact witness depositions and 70 total hours of fact witness deposition testimony. Fed. R. Civ. P. 30(b)(6) depositions are included in the 70 total hours, and the 30(b)(6) testimony shall be limited to 14 total hours per side.
- 10 • In no event shall any single deposition of a witness exceed 7 hours, with the exception that expert witnesses may be deposed for 7 hours per report provided, and 30(b)(6) witnesses can be deposed pursuant to the 14 hour limitation above. However, notwithstanding the foregoing exceptions, no deposition of a witness shall exceed 7 hours in a single day unless otherwise agreed.

14-CV-03221-LHK:

- 14 • Each party is limited to 25 interrogatories.
- 15 • Each party is limited to 50 requests for admission, not including requests for admission for the purpose of authenticating documents.
- 16 • Each party is limited to 80 requests for production.
- 17 • The limits set forth in the Federal Rules of Civil Procedure shall apply to depositions.
- 18 • Each party is limited to 7 total hours of expert witness deposition testimony for each expert retained by the opposing party. However, should an expert issue more than one expert report, the opposing party is entitled to 4 additional hours of expert witness deposition testimony for each additional expert report issued by the particular expert. Notwithstanding the foregoing exception, no deposition of an expert shall exceed 7 hours in a single day unless otherwise agreed.

14-CV-03222-LHK:

- 20 • Each party is limited to 25 interrogatories.
- 21 • Each party is limited to 50 requests for admission, not including requests for admission for the purpose of authenticating documents.
- 22 • Each party is limited to 80 requests for production.
- 23 • Each party is limited to 7 total hours of expert witness deposition testimony for each expert retained by the opposing party. However, should an expert issue more than one expert report, the opposing party is entitled to 7 additional hours of expert witness deposition testimony for each additional expert report issued by the particular expert.
- 24 • Each party is limited to 10 total fact witness depositions and 70 total hours of fact witness deposition testimony. Fed. R. Civ. P. 30(b)(6) depositions are included in the 70 total hours, and the 30(b)(6) testimony shall be limited to 14 total hours per side.
- 26 • In no event shall any single deposition of a witness exceed 7 hours, with the exception that expert witnesses may be deposed for 7 hours per report provided, and 30(b)(6) witnesses can be deposed pursuant to the 14 hour limitation above. However, notwithstanding the foregoing exceptions, no deposition of a witness shall exceed 7 hours in a single day unless otherwise agreed.

14-CV-03212-LHK:

- Each party is limited to 25 interrogatories.
- Each party is limited to 60 requests for admission, not including requests for admission for the purpose of authenticating documents.
- Each party is limited to 80 requests for production.
- Each party is limited to 7 total hours of expert witness deposition testimony for each expert retained by the opposing party. However, should an expert issue more than one expert report, the opposing party is entitled to 7 additional hours of expert witness deposition testimony for each additional expert report issued by the particular expert.
- Each party is limited to 10 total fact witness depositions and 70 total hours of fact witness deposition testimony. Fed. R. Civ. P. 30(b)(6) depositions are included in the 70 total hours, and the 30(b)(6) testimony shall be limited to 14 total hours per side.
- In no event shall any single deposition of a witness exceed 7 hours, with the exception that expert witnesses may be deposed for 7 hours per report provided, and 30(b)(6) witnesses can be deposed pursuant to the 14 hour limitation above. However, notwithstanding the foregoing exceptions, no deposition of a witness shall exceed 7 hours in a single day.

The Court sets the case schedule in all the newly related cases as follows:

Exchange of Initial Disclosures	10/3/2014
Disclosure of Asserted Claims and Infringement Contentions	10/17/2014
Invalidity Contentions	12/5/2014
Parties Exchange Proposed Claim Terms for construction	12/19/2014
Last Day to Meet and Confer on Proposed Terms	1/5/2015
Parties Exchange Preliminary Claim Constructions and identify supporting evidence and experts	1/16/2015
Last Day to Meet and Confer on Narrowing Issues and Joint Claim Construction and prehearing statement	1/30/2015
Parties File Joint Claim Construction and Prehearing Statement	2/13/2015
Close of Claim Construction Discovery	2/27/2015
Claim Construction Opening Briefs Due	3/20/2015
Claim Construction Responsive Briefs Due	4/10/2015
Claim Construction Reply Briefs Due	4/24/2015
Technology Tutorial	6/11/2015 at 1:30 pm
Claim Construction Hearing	6/18/2015 at 1:30 pm
Fact Discovery Cutoff	12/18/2015
Parties Serve Initial Expert Reports	1/8/2016

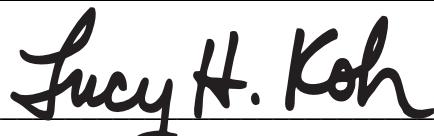
Case Nos.: 14-CV-01164-LHK; 14-CV-03215-LHK; 14-CV-03223-LHK; 14-CV-03221-LHK; 14-CV-03222-LHK; 14-CV-03212-LHK

PROPOSED CASE MANAGEMENT ORDER

1	Parties Serve Rebuttal Expert Reports	2/8/2016
2	Close Expert Discovery	3/4/2016
3	Last Day to File Dispositive Motions	4/1/2016
4	Hearing on Dispositive Motions	5/19/2016 at 1:30 pm
5	Final Pretrial Conference	8/18/2016 at 1:30 pm
6	Jury Trial	9/26/2016 at 9am
7	Length of Trial	20 days (4 days per defendant)

7 **IT IS SO ORDERED.**

8 Dated: September 4, 2014

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11 LUCY H. KOH
12 United States District Judge